

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

03 MAR 21 AM 11:17

UNITED STATES OF AMERICA,

Plaintiff,

v.

Herberth MORALES-Sosa,

Defendant

Magistrate Docket No.

'08 MJ 0893

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **March 20, 2008** within the Southern District of California, defendant, **Herberth MORALES-Sosa**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21<sup>st</sup> DAY OF MARCH 2008

  
\_\_\_\_\_  
Leo S. Papas  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Herberth MORALES-Sosa**

**PROBABLE CAUSE STATEMENT**

On March 20, 2008 at approximately 1:00 AM, Border Patrol Agent Andrew H. Webster responded to a call regarding three subjects heading north from an area known as "Stewart's Bridge." This area is approximately three miles west of the San Ysidro Port of Entry and approximately 300 yards north of the United States/Mexico International Boundary. After arriving and walking a few hundred yards, Agent Webster found four individuals. He identified himself as a United States Border Patrol Agent and questioned the individual as to his citizenship and nationality. One individual later identified as defendant **Herberth MORALES-Saso**, admitted to being a citizen and national of Mexico without any immigration documents to be in or remain in the United States legally. The defendant was placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **October 15, 2007 through Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. The defendant stated that he understood his Rights and was willing to answer without an attorney. The defendant admitted during the recorded sworn statement that he had been previously deported by the judge and knew he was entering the United States illegally. The defendant again freely admitted to being a citizen and national of Mexico, and in the United States illegally without proper immigration documents to enter or remain in the United States legally.